

December 28, 2005

Mr. Steven A. Toelle, Director  
Nuclear Regulatory Affairs  
USEC Inc.  
Two Democracy Center  
6903 Rockledge Drive  
Bethesda, MD 20817-1818

SUBJECT: NRC APPROVAL OF USEC INC.'S REQUEST FOR WITHHOLDING  
INFORMATION FROM PUBLIC DISCLOSURE FOR THE AMERICAN  
CENTRIFUGE PLANT (TAC Nos. L32306, L32307, L32308, and L32312)

Dear Mr. Toelle:

By letters dated December 1, 2005 (AET 05-0097) and December 15, 2005 (AET 05-0099), containing affidavits dated the same as the letters and executed by Steven A. Toelle, USEC Inc. (USEC) requested the U.S. Nuclear Regulatory Commission (NRC) to withhold from public disclosure, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390, information on the ground that the information contained in those documents is Proprietary Information.

December 1, 2005 -

- AET 05-0097 - Submittal of Additional Information Regarding Nuclear Criticality Safety for the American Centrifuge Plant.  
Enclosure 2 contains the following document: WSMS-CRT-03-0093, Revision 2, PC-SCALE 4.4a Validation (U).

The affidavit accompanying AET 05-0097 states that the submitted information should be considered exempt from mandatory public disclosure for a number of reasons, including the following:

The proprietary information submitted by USEC in Enclosure 2 to USEC letter AET 05-0097 is a validation report for nuclear criticality safety developed to document the validation of the CSAS25 (KENO V.a.) sequence in SCALE4.4a using the 238-group ENDF/B-V cross section library on USEC personal computers. This validation report provides the upper safety limit for low and intermediate enrichment systems. Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of USEC because it may enhance the ability of competitors to position and provide similar products. Moreover, disclosure of the details of the validation report may provide insights into the design of USEC's American Centrifuge technology, including structures, systems, and components categorized as Export Controlled Information.

December 15, 2005 -

- AET 05-0099 - Submittal of Additional Information Regarding Seismic for the American Centrifuge Plant.  
Enclosure 2 contains the following document: Seismic Supporting Documentation - Figures 5 -15.

The affidavit accompanying AET 05-0097 states that the submitted information should be considered exempt from mandatory public disclosure for a number of reasons, including the following:

The proprietary information submitted by USEC in Enclosure 2 to USEC letter AET 05-0099 contains figures from the revised "Report of Site-Specific Seismic Study for the USEC American Centrifuge," originally dated October 2005 and provided in USEC letter AET 05-0079. The proprietary information submitted by USEC is information committed to be provided to the NRC in a response to a request for additional information. As part of the design effort for the American Centrifuge Plant, USEC stated that a site-specific seismic study would be performed to determine the specific 10,000-year response spectrum. Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of USEC because it may enhance the ability of competitors to position and provide similar products. Moreover, disclosure of the details of the seismic analyses may provide insights into the design of USEC's American Centrifuge technology, including structures, systems, and components.

The staff has reviewed your application and the material contained in AET 05-0097 and AET 05-0099 and their enclosures in accordance with the requirements of 10 CFR 2.390, and, on the basis of your statements, has determined that the submitted information sought to be withheld contains proprietary commercial information which should be withheld from public disclosure.

Therefore, the documents listed above marked as proprietary, will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended. Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future if, for example, the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified of the date of public disclosure in advance, which will be a reasonable time thereafter.

If you have any questions regarding this matter, I may be reached at 301-415-8113.

Sincerely,

**/RA/**

Yawar H. Faraz, Project Manager  
Gas Centrifuge Facility Licensing Section  
Special Projects Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Materials Safety  
and Safeguards

Docket: 70-7004

cc:

William Szymanski/DOE	Michael Marriotte/NIRS	Dan Minter/SODI
Carol O'Claire/Ohio EMA	James Curtiss/W&S	Randall DeVault/DOE
Lindsay Lovejoy/NIRS	Rod Krich/LES	Peter Miner/USEC Inc.
Rocky Brown/Mayor of Beaver	Jim Brushart/Pike Co. Comm.	Geoffrey Sea
David Bowe/SPFPA/USEC	Teddy West/Scioto Twp. Trust.	Robert Owen/Ohio DoH
Billy Spencer/Mayor of Piketon	Vina Colley/PRESS	Donald Silverman/Morgan Lewis
Harry Rioer/Pike Co. Comm	Larry Scaggs/Seal Twp.Trust.	Mary Glasgow/Cong.Schmidt
Robert Huff/Portsmouth CoC	Ted Wheeler/Pike County Aud.	Marvin Jones/Chillicothe CoC
Kara Willis/Gov. Taft's Reg. 7	Ewan Todd/PRESS	Dwight Massie/Pike CoC
Joyce Weeth/Pike Co. Rec	Blaine Beekman/Pike CoC	MarJean Kennedy/Gov. Taft
Carrie Mytinger/Cong. Ney		

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Docket: 70-7004

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William Szymanski/DOE  
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Lindsay Lovejoy/NIRS  
Rocky Brown/Mayor of Beaver  
David Bowe/SPFPA/USEC  
Billy Spencer/Mayor of Piketon  
Harry Rioer/Pike Co. Comm  
Robert Huff/Portsmouth CoC  
Kara Willis/Gov. Taft's Reg. 7  
Joyce Weeth/Pike Co. Rec  
Carrie Mytinger/Cong. Ney

Michael Marriotte/NIRS  
James Curtiss/W&S  
Rod Krich/LES  
Jim Brushart/Pike Co. Comm.  
Teddy West/Scioto Twp. Trust.  
Vina Colley/PRESS  
Larry Scaggs/Seal Twp. Trust.  
Ted Wheeler/Pike County Aud.  
Ewan Todd/PRESS  
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USEC Website: Letter

**ML053550396**

OFC	GCFLS	GCFLS	GCFLS
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DATE	12/22/05	12/28/05	12/28/05

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